

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA**

LENNART GROSS

Plaintiff,

v.

Case #: 1:22-cv-1239

CHRISTIAN SAGALA,

**Removed from the Circuit Court of
Stafford County, Virginia; CL21-3237**

and

**TRANSPORT SOUTH BEC EXPRESS, INC. a/k/a
QUEBEC TRANSPORT COMPANY,**

and

JOHN DOE.

Defendant.

**DEFENDANTS SAGALA’S AND TRANSPORT SOUTH BEC EXPRESS, INC.’S
NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendants Christian Sagala (“Sagala”) and Transport South Bec Express, Inc. (“South Bec”, together “Defendants” or “these Defendants”), by and through counsel, WILSON, ELSER, MOSKOWITZ, EDELMAN, AND DICKER LLP, file this Notice of Removal of the above-entitled action, now pending in the Circuit Court for the County of Stafford, bearing Case No. CL21003237-00, to the United States District Court for the Eastern District of Virginia. In support of this Notice of Removal, Defendants respectfully state as follows:

LEGAL BASIS FOR JURISDICTION

1. On or about October 8, 2021, Lennart Gross filed Case No. CL21003237-00 in the Circuit Court for the County of Stafford, seeking damages in the amount of \$3,000,000.00 (Three

Million Dollars). *See* Plaintiff's Complaint attached hereto as **Exhibit A**.

2. Though the Complaint does not so state, upon information and belief Plaintiff is presently a citizen and resident of Florida, and was a resident of Virginia at the time of filing of the Complaint.

3. Co-Defendant John Doe is a fictitious entity or individual incapable of affecting diversity in this matter. Under 28 U.S.C. § 1441(a) “[a]s a fictitiously named defendant, the alleged citizenship of John Doe must be disregarded.” *Lindsey v. Highwoods Realty L.P.*, No. 3:11CV447-HEH, 2011 U.S. Dist. LEXIS 108172, *6 (E.D. V.A., Richmond, Sept. 22, 2011); see *Berry v. SeaWorld Parks & Entm't, LLC*, No. 4:14cv152, 2015 U.S. Dist. LEXIS 29900 (E.D. V.A., Newport News, Mar. 11, 2015) (citing 28 U.S.C. 1441(b)(1) (“John Doe Employee is sued under a fictitious name, and his citizenship is disregarded at this stage of the proceedings.”)).

4. Defendant Christian Sagala is a citizen of Canada and is domiciled in Quebec, Canada.

5. Defendant, Transport South Bec Express, Inc. is a Canadian-registered corporation with its principal place of business in Quebec, Canada.

BASIS FOR REMOVAL

6. This Court is the district court of the United States for the district and division embracing the place where this action is currently pending in state court. 28 U.S.C. § 1441(a).

7. This Court has subject matter jurisdiction in this case and therefore removal is proper under 28 U.S.C. § 1332 based upon complete diversity jurisdiction. Diversity jurisdiction exists in a civil matter when the dispute is between “properly” joined (28 USC § 1441) citizens of different states in the action, and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

8. Both of the requirements for subject matter jurisdiction based on diversity jurisdiction are met in this case because (a) neither these Defendants nor Plaintiff Lennart Gross are citizens of the same state and all other putative defendants are fictional, improperly joined, or fraudulently joined, and (b) Plaintiff's express demand in the Complaint seeks damages in the amount of \$75,000.00, excluding interest and costs. 28 U.S.C. § 1332(a). *Id.* at §§ 1331 and 1441(b); (Ex. A, Compl.).

9. These Defendants accepted service of the Complaint on October 7, 2022. This Notice of Removal is thus timely filed pursuant to 28 U.S.C. § 1446(b).

10. As required by 28 U.S.C. § 1446(b), true and correct copies of the pleadings filed in the State Court are being filed with this Notice of Removal.¹

11. Pursuant to 28 U.S.C. § 1446(d), written notice of the filing of this Notice of Removal has been given to Plaintiff and a copy of the Notice of Removal has been or will be filed with the Clerk of the Stafford County Circuit Court.

12. At this time no other defendant has made an appearance in this matter.

13. The required filing fee of \$402.00 and an executed civil cover sheet accompany this Notice of Removal.

WHEREFORE, Defendants Christian Sagala and Transport South Bec Express, Inc., respectfully remove this action, pending in the Stafford County Circuit Court, to the United States District Court for the Eastern District of Virginia.

November 1, 2022

Respectfully submitted,

**WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER LLP**

/s/ Dov M. Szego

¹ Defendant notes that it also uploaded all documents from the Virginia Beach Circuit Court via CM/ECF as required.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of November, 2022, I served a true and correct copy of the forgoing via electronic mail and First Class US Mail Postage Prepaid on:

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